UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

David Burns

    v.   Civil No. 06-cv-131-PB

Richard M. Gerry, Warden
New Hampshire State Prison

ORDER

Before the court is pro se petitioner David Burns' petition

for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254.

The Petition consists of the original petition filed in 2006

(doc. no. 1), a status report and addendum filed in September

2008 (doc. nos. 13-14), and Burns' motion to amend the petition

filed in May 2010 (doc. no. 24), which was granted on May 19,

2010. I direct that the Petition, as amended, be served upon

Richard M. Gerry, Warden of the New Hampshire State Prison,

Burns' current custodian and the proper respondent in this case,

see Rule 2(a) of the Rules Governing § 2254 Proceedings ("§ 2254

Rule").

The Clerk shall correct the docket in this case to reflect

that Gerry is the respondent. The Clerk shall serve copies of

the following documents upon the New Hampshire Office of the

Attorney General, as provided in the Agreement on Acceptance of

Service: (1) this Order; (2) the Report and Recommendation issued this date; (3) the April 16, 2010 Order directing petitioner to forego or exhaust certain claims (doc. no. 23); and (4) the amended habeas petition (doc. nos. 1, 13-14, and 24).

Respondent shall file an answer, motion, or other response within thirty (30) days of the date of this Order. The answer shall comply with the requirements of § 2254 Rule 5 (setting forth contents of answer).

Upon receipt of the response, the Court will determine whether a hearing is warranted. See § 2254 Rule 8 (providing circumstances under which hearing is appropriate).

Petitioner is referred to Fed. R. Civ. P. 5, which requires that every pleading, written motion, notice, and similar paper, after the petition, shall be served on all parties. Such service is to be made by mailing the material to the parties' attorney(s).

SO ORDERED.

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James R. Muirhead
United States Magistrate Judge

Date: May 27, 2010

cc: David Burns, pro se
JRM:nmd